

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William C Offley
Mary L Offley
Debtor(s)

Bankruptcy Case No.: 18-20195-CMB
Issued Per Mar. 28, 2019 Proceeding
Chapter: 13
Docket No.: 58 – 33, 53
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 24, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
The claim of Wilmington Savings Fund Society at Claim No. 3 governs as amount, to be treated as pay in full in Part 3.2 of the Plan at 6.5 percent on a principal balance plus a non-interest bearing portion of \$1,174.31 and payment of \$246 on principal.
The secured claims of Nissan Motor Acceptance at Claim No. 1, Ally Bank at Claim No. 2 and ONEMAIN at Claim No. 9 shall govern as to claim amount, to be paid at the modified plan terms, all paid in amounts to be determined by Trustee.
The estimated pool of funds available to be paid to general unsecured creditors and estimated

percentage dividend are revised to \$64,000 (59 percent).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: April 1, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William C Offley
 Mary L Offley
 Debtors

Case No. 18-20195-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Apr 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 03, 2019.

db/jdb
 14760984 +William C Offley, Mary L Offley, PO Box 64, 305 Arch St., Mars, PA 16046-0064
 14760988 +BorrowersFirst, PO Box 163207, Austin, TX 78716-3207
 +CHOICE CHIROPRACTIC AND WELLNESS CENTER, 8074 McIntyre Sq Dr, Pittsburgh, PA 15237
 (address filed with court: Choice Chiropractic and Wellness Center, 8199 McKnight Rd. STE 102, Pittsburgh, PA 15237-5749)
 14760989 +Citi Cards/Citibank, PO Box 6241, Sioux Falls, SD 57117-6241
 14760990 +Citibank, PO Box 6500, Sioux Falls, SD 57117-6500
 14760992 Credit First NA / Firestone, PO Box 81083, Cleveland, OH 44181
 14760994 +DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: Directv, PO Box 6550, Greenwood Village, CO 80155)
 14795593 Directv, LLC, by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
 14760995 +Everett and Hurite Opthamalmic Assoc., c/o Steve G. McLean, 1835 Forbes Ave., Pittsburgh, PA 15219-5835
 14788566 First Associates Loan Servicing, LLC, as agent for BFCL Trust, P.O. Box 503430, San Diego, CA 92150-3430
 14760997 +Nelnet, US Department of Education, PO Box 740283, Atlanta, GA 30374-0283
 14760998 Nissan Motor Acceptance, PO Box 742658, Cincinnati, OH 45274-2658
 14763807 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 14761002 Peoples Gas, PO Box 535323, Pittsburgh, PA 15253-5323
 14761004 +Sarah Offley, PO Box 64, Mars, PA 16046-0064
 14761005 +Specialized Loan Servicing, 8742 Lucent Boulevard, Suite 300, Highlands Ranch, CO 80129-2386
 14761007 UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 14794120 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14761008 +USAA Savings Bank, PO Box 33009, San Antonio, TX 78265-3009
 14767293 +Wilmington Savings Fund Society, FSB Trustee(See410, c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 03:51:01
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14760982 +E-mail/Text: rstockman@aerofed.net Apr 02 2019 03:44:14 Aero Federal Credit Union, 18301 N. 79th Ave Ste A100, Glendale, AZ 85308-0708
 14763910 E-mail/Text: ally@ebn.phinsolutions.com Apr 02 2019 03:43:55 Ally Bank, PO Box 130424, Roseville MN 55113-0004
 14760983 +E-mail/Text: ally@ebn.phinsolutions.com Apr 02 2019 03:43:55 Ally Financial, PO Box 8128, Cockeysville, MD 21030-8128
 14760985 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 02 2019 03:49:48 Capital One Bank, PO Box 30285, Salt Lake City, NV 84130-0285
 14760986 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 02 2019 03:48:42 CapitalOne, Attn: General Correspondence, PO Box 30285, Salt Lake City, UT 84130-0285
 14760987 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 02 2019 03:49:45 Capitol One Bank, PO Box 30281, Salt Lake City, NV 84130-0281
 14760991 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 02 2019 03:44:17 Commenity Bank/GiantEagle, PO Box 182789, Columbus, OH 43218-2789
 14760993 E-mail/PDF: creditonebknofications@resurgent.com Apr 02 2019 03:48:47 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
 14760996 E-mail/PDF: gecsed@recoverycorp.com Apr 02 2019 03:49:37 GAP/Synchrony Bank, PO Box 965004, Orlando, FL 32896-5003
 14797674 E-mail/PDF: resurgentbknofications@resurgent.com Apr 02 2019 03:49:54 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14797646 E-mail/PDF: resurgentbknofications@resurgent.com Apr 02 2019 03:51:08 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14790837 +E-mail/Text: bankruptcydpt@mcmsg.com Apr 02 2019 03:44:49 MIDLAND FUNDING LLC, PO BOX 2011, Warren MI 48090-2011
 14783049 E-mail/PDF: cbp@onemainfinancial.com Apr 02 2019 03:50:43 ONEMAIN, PO BOX 3251, EVANSVILLE, IN. 47731-3251
 14760999 E-mail/PDF: cbp@onemainfinancial.com Apr 02 2019 03:48:35 OneMain Financial, PO Box 742536, Cincinnati, OH 45274-2536
 14761000 +E-mail/PDF: cbp@onemainfinancial.com Apr 02 2019 03:50:44 OneMain Financial, PO Box 1010, Evansville, IN 47706-1010
 14797629 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 03:48:44 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
 14761530 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 02 2019 04:04:14 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14775542 +E-mail/Text: bankruptcy@firstenergycorp.com Apr 02 2019 03:44:56 Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248
 14761001 E-mail/Text: bankruptcy@firstenergycorp.com Apr 02 2019 03:44:57 Penn Power, PO Box 16001, Reading, PA 19612-6001

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 48

Date Rcvd: Apr 01, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14795598 E-mail/Text: bnc-quantum@quantum3group.com Apr 02 2019 03:44:25
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14761006 E-mail/Text: jennifer.chacon@spservicing.com Apr 02 2019 03:45:43
SPS - Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250
14761003 +E-mail/Text: ebn_bkrt_forms@salliemae.com Apr 02 2019 03:45:19 Sallie Mae, P.O. Box 8377,
Philadelphia, PA 19101-8377
14789020 E-mail/Text: ebn_bkrt_forms@salliemae.com Apr 02 2019 03:45:19 Sallie Mae, P.O. Box 3319,
Wilmington, DE 19804-4319
14771773 +E-mail/Text: electronicbkydocs@nelnet.net Apr 02 2019 03:45:00 U.S. Department of Education,
C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
14801612 +E-mail/Text: bncmail@w-legal.com Apr 02 2019 03:45:04 USAA SAVINGS BANK,
C/O Weinstein & Riley P.S., 2001 Western Ave Ste. 400, Seattle, WA 98121-3132
14793207 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 02 2019 04:03:23 Verizon,
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14801891 E-mail/Text: jennifer.chacon@spservicing.com Apr 02 2019 03:45:43
Wilmington Trust, National Association, c/o Select Portfolio Servicing, Inc.,
P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 28

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Select Portfolio Servicing, Inc.
cr Wilmington Savings Fund Society, FAB, DBA Christia
cr Wilmington Trust, National Association, not in its
cr* Nissan Motor Acceptance Corporation, P.O. Box 660366, Dallas, TX 75266-0366
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14786315* ONEMAIN, PO BOX 3251, EVANSVILLE, IN. 47731-3251

TOTALS: 3, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 03, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 1, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Joint Debtor Mary L Offley bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/mgillespie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@t
hompsonattorney.com
Brian C. Thompson on behalf of Debtor William C Offley bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/mgillespie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@t
hompsonattorney.com
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FAB, DBA Christiana
Trust, not in its individual capacity, but solely in its capacity as Owner Trustee for WF 19
Grantor Trust bkgroup@kmlawgroup.com
Matthew Christian Waldt on behalf of Creditor Select Portfolio Servicing, Inc.
mwaldt@milsteadlaw.com, bkecf@milsteadlaw.com
Matthew Christian Waldt on behalf of Creditor Wilmington Trust, National Association, not in
its individual capacity, but solely as trustee of MFRA Trust 2016-1 mwaldt@milsteadlaw.com,
bkecf@milsteadlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
William E. Craig on behalf of Creditor Nissan Motor Acceptance Corporation
ecfmail@mortoncraig.com, mhazlett@mortoncraig.com/mortoncraigecf@gmail.com

TOTAL: 8